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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,008	09/15/1999	LAWRENCE M. AUSUBEL	3788-7000US1	8229
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CONNOLLY BOVE LODGE & HUTZ LLP SUITE 800 1990 M STREET NW WASHINGTON, DC 20036-3425			EXAMINER POINVIL, FRANTZY	
			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/397,008

Applicant(s)

AUSUBEL, LAWRENCE M.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-30, 43-55, 58-61, 113-115, 126-133, 139-141 and 152-173 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-30, 43-55, 58-61, 113-115, 126-133, 139-141 and 152-173 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:

As per claim 26, line 13, “the” should be changed to - - a- -. On line 24, “the” should be deleted. On line 27, “quantity” should be changed to - -quantities- -. Also on line 27, third occurrence, “the” should be changed to - -a- -. On line 30, “a” has been changed to - -the- -. Also on line 30, “the” first occurrence should be deleted. On line 31, “quantity” should be changed to - -quantities- -. On line 35, “quantity” should be changed to - -quantities- -.

As per claim 27, line 10, “the” first occurrence should be deleted.

As per claim 28, line 13, “the” should be changed to - -a- -. On line 14, “for” should be inserted before “assigning”. On line 25, “the” should be changed to - -an- -.

As per claim 29, line 13, “the” should be changed to - -a- -.

As per claim 30, line 13, “the” should be changed to - -a- -. Also, on line 14, - -for- - has been inserted before “assigning”.

As per claim 43, line 7, “the” should be changed to - -a- -. On line 13, “the” should be changed to - -a- -. On line 14, “for” has been inserted before “assigning”. Also on line 14, “the”, last occurrence has been changed to - -a- -. On line 24, “the” should be deleted. On line 27, “the”, last occurrence should be changed to - -a- -. On line 30, “the” before “other” should be deleted. On line 31, second of occurrence of “quantity” should be changed to - -quantities- -. On line 34, “quantity” should be changed to - -quantities- -.

As per claim 44, line 13, “the” should be changed to - -a- -. On line 14, “for” has been inserted before “assigning”.

As per claim 45, line 7, "the" has been changed to - -a- -. On line 13, "the" should be changed to - -a- -.

As per claim 46, line 7, "the" should be changed to - -a- -. On line 13, "the" should be changed to - -a- -.

As per claim 47, line 10, "bid" should be changed to - -bids- -. On line 10, "the" before "bidder" should be changed to - -a- -. On line 11, "bid" should be changed to - -bids- -.

As per claim 51, line 10, "the", first occurrence should be changed to - -a- -. On line 12, "a" should be changed to - -said- -. On line 14, "the", first occurrence should be changed to - -a- -. On line 23 "the" should be changed to - -a- -.

As per claim 52, line 4, second occurrence, "the" should be changed to - -a- -.

As per claim 53, line 2, "a" should be changed to - -the- -. Also, on line 2, "the" should be changed to - -an- -.

As per claim 58, line 11, "a" should be changed to - -said- -. On line 13, "the" before "bidder" should be changed to - -a- -. Also, on line 13, "the" before "current" should be changed to - -a- -.

As per claim 59, line 10, "a" should be changed to - -said- -. On line 11, "a" should also be changed to - -said- -.

As per claim 61, line 13, "the" first occurrence should be changed to - -a- -.

As per claim 113, line 4, "the" should be changed to - -a- -. On line 9, "the" first occurrence should be changed to - -a- -. On line 15, the first occurrence of "the" should be deleted. On line 18, "the" should be changed to - -a- -. Also on line 18, "a" should be changed to - -said- -.

As per claim 114, line 4, “the” should be changed to - -a- -. As per claim 9, the first occurrence of “the” should be changed to - -a- -.

As per claim 115, line 4, “the” should be changed to - -a- -. On line 9, the first occurrence should be changed to - -a- -.

As per claim 126, “the” should be changed to - -an- -.

As per claim 127, line 4, “the” should be changed to - -a- -. On line 9, the first occurrence of “the” should be deleted.

As per claim 130, line 2, “a” should be changed to “the”. On line 3, “bid” should be changed to - -bids- -.

As per claim 139, line 6, “the” should be changed to - -a- -. On line 9, the first occurrence of “a” should be changed to - -said- -. On line 10, “the” before “current” should be changed to - -a- -. On line 17, “the” should be deleted. On line 20, “the” before “current” should be changed to - -a- -. On line 23, “a” should be changed to - -said- -.

As per claim 140, line 6, “the” should be changed to - -a- -. On line 9, “a” before “plurality” should be changed to - -said- -.

As per claim 141, line 6, “the” should be changed to - -a- -. On line 8, “a’ before “plurality” should be changed to - -said- -. Also on line 10, “a” before “plurality” should be changed to - -said- -.

As per claim 152, line 2, “the” should be changed to - -an- -.

As per claim 153, line 6, “the” should be changed to - -a- -. On line 7, “a” should be changed to - -said- -. On line 9, “a” should be changed to - -said- -. On line 10, “the” before

“bidder” should be changed to - a -. Also on line 10, “the” before “current” should be changed to - a -. .

As per claim 156, line 2, “a” before “bidder” should be changed to - said -. On line 3, “bid” should be changed to - bids -. .

As per claim 159, line 2, “a” should be changed to - said -. .

As per claim 160, line 4, “the” should be changed to - a -. On line 7, “the” before “current” should be changed to - a -. On line 12, “the” first occurrence should be deleted.

As per claim 163, line 4, “the” should be changed to - a -. On line 9, “the” before “at” should be changed to - an -. .

As per claim 164, line 2, “the” before “disaggregated” has been deleted.

As per claim 167, line 5, “the” should be changed to - a -. On line 7, “bid” should be changed to - bids -. On line 9, “a” should be changed to - said -. On line 11, “the” before “current” should be changed to - a -. .

As per claim 170, line 5, “the” should be changed to - a -. On line 9, “a” should be changed to - said -. On line 11, “the” should be changed to - an -. On line 20, “the” before “quantities” should be deleted.

Also, as per claim 141, claim 141 covers both a system and a method rendering the claim indefinite as such introduce two different classes of invention. Furthermore, it is unclear as to how the determining comprises steps of a plurality of means for performing specific functions.

The applicant is advised to review the remaining pending claims for any possible deficiencies. The Applicant is requested to make the necessary amendment correcting all noted and other possible deficiencies found in the instant claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. Claims 26-30, 43-55, 58-61, 113-115, 126-133, 139-141 and 152-173 are allowable over the art of record.


The prior art taken alone or in combination failed to teach or suggest the determining means of claim 26; means for assigning the determined quantity of objects to the determined bidder in the current round and wherein each bid entered by a bidder is limited by an immediately preceding bid entered by that bidder as recited in independent claim 28; means for assigning the determined quantity of objects to the determined bidder in a current round and means for generating updated bidding information and initiating at least one or more round of bidding in any objects remain unassigned as recited in claims 29 and 30; determining means of claim 43; means for assigning the determined quantity of objects to the determined bidder at the price of the round and means for generating updated bidding information and initiating at least one more round of bidding if any objects remain unassigned of claim 44; means for assigning the determined quantity of objects to the determined bidder at the price for the round and means for generating updated bidding information and initiating at least one or more round of bidding if any objects remain unassigned of claims 45 and 46; the determining and generating steps of claims 47, 51, 58, 59 and 60.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
December 27, 2005